

**TOWN PLAN AND ZONING
COMMISSION**

Issued: January 2, 2019

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, DECEMBER 3, 2018
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioner: Liz Gillette; Alternates: Gordon Binkhorst, Andrea Gomes; Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Commissioners: Michele Maresca; John O'Donnell; Alternate: Ryan Langan

CALL TO ORDER/ROLL CALL: 7:05 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Wednesday, November 7, 2018
Motion/Prestage; Second/Binkhorst; Vote 5-0 (Ahern, Prestage, Gillette, Binkhorst, Gomes)

COMMUNICATIONS:

2.
 - a) **2019 TPZ Meeting and Filing Dates – Annual Calendar**
Received as amended. Motion/Gillette; Second/Gomes; Vote 5-0
 - b) **27 Park Road and 14 Ringgold Street** Application (IWW #1090), request by Robin Pearson, on behalf of Lex-Laz West Hartford, LLC, to open and immediately continue the public hearing without testimony to the January 7, 2019 meeting.
Received.

NEW BUSINESS:

3. **1700 & 1800 Asylum Avenue** - Application (IWW #1095) of Newman Architects on behalf of Ideanomics (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, in close proximity to and within wetlands and an upland



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review area. The applicant proposes to conduct a subsurface exploration program to obtain soil and groundwater information for the geotechnical evaluation of the parcels. (Submitted for IWWA receipt on December 3, 2018. Presented for determination of significance.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by a vote of (4-0) with one abstention (Motion/Binkhorst, Second/Prestage) (Binkhorst seated for Maresca) (Gomes seated for O'Donnell) (Gillette abstained) to find the proposed regulated activity to be **NON-SIGNIFICANT**. The IWWA directed that the wetland permit be issued subject to full compliance with Town Erosion and Sedimentation Control requirements.

OLD BUSINESS:

4. **179 South Main Street**- Application (IWW #1089) of Christy Palmer, R.O., requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes to construct an approximately 16-foot x 32-foot in-ground pool in an upland review area. (Submitted for IWWA receipt on October 1, 2018. Determined to be potentially significant and scheduled for public hearing on November 7, 2018. Per the applicant's request, the hearing was opened and immediately continued to December 3, 2018.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ/IWWA acted by unanimous vote (5-0) (Motion/Gillette; Second/Binkhorst) (Binkhorst seated for Maresca) (Gomes seated for O'Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

179 SOUTH MAIN STREET **INLAND WETLAND APPLICATION IWW #1089** **COMPLIANCE WITH SECTION 10.2 and 10.4** **STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **179 South Main Street** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1089** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **179 South Main Street**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Prior to the start of any site disturbance, all sediment and erosion controls shall be installed.
- 4.) The sequence of construction shall be outlined on the final plan set.
- 5.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

5. **1943 Asylum Avenue-** Application (SUP #1330) of the Town of West Hartford R.O. (Robert Palmer, Applicant) requesting approval of a Special Use Permit at the Bugbee Elementary School to build an approximately 804 s.f. addition and ADA sidewalk ramp to the main school entrance on the north side of the building. (Submitted for TPZ receipt on November 7, 2018. Required public hearing scheduled for December 3, 2018.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (*Motion/Prestage; Second/Gomes*) (*Binkhorst seated for Maresca*) (*Gomes seated for O'Donnell*) to **APPROVE** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

- c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2020 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

6. **2600 Albany Avenue-** Application (SUP # 1308-R1-18) of Moscarillo's of West Hartford (Applicant) on behalf of MRE Realty, Inc. (R.O.) requesting to amend SUP #1308, which was approved on June 5, 2017. The applicant proposes to retain a portion of the former greenhouse structure on the northerly side of the site to be used as a shade structure. (Submitted for TPZ on November 7, 2018. Required public hearing scheduled for December 3, 2018.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (*Motion/Prestage; Second/Gillette*) (*Binkhorst seated for Maresca*) (*Gomes seated for O'Donnell*) to **APPROVE** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.

2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2020 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
7. **27 Park Road and 14 Ringgold Street** - Application (IWW #1090) of Lex-Laz West Hartford, LLC (Contract Purchaser) (Robin Pearson, Attorney) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities in close proximity to and within an upland review area. The applicant contemplates the redevelopment of the Sisters of Saint Joseph site to construct a new residential multifamily apartment building along with associated parking, site grading, drainage, and landscape improvements. (Submitted for IWWA receipt on November 7, 2018. Determined to be potentially significant and scheduled for public hearing on December 3, 2018. *Note: Per communication item #2b, applicant has requested that the hearing be opened and immediately continued without testimony to January 7, 2019.*) ***Per applicant's request, public hearing opened and immediately continued to January 7, 2019. Motion/Gomes; Second/Binkhorst (Binkhorst seated for Maresca) (Gomes seated for O'Donnell); Vote 5-0.***

TOWN COUNCIL REFERRALS:

8. **Sign Sponsorship Ordinance** – Zoning ordinance amendment permitting sponsorship signage in municipal parks (Town Council receipt on October 23, 2018. TPZ receipt on November 7, 2018. Town Council public hearing on December 11, 2018.)

After a detailed review of the proposed ordinance, the TPZ acted by unanimous vote (5-0) (Motion/Prestage; Second/Gillette) (Binkhorst seated for Maresca) (Gomes seated for O'Donnell) **to RECOMMEND DENIAL** of the subject ordinance. The Town Plan and Zoning Commission finds that the amendment inconsistent with the current Plan of Conservation and Development (POCD).

During its discussion and deliberation on this matter, the Commission made the following findings which it has prepared for the Council's consideration:

1. The approval of sponsorship signage sets a precedent that places the Town on a path down a slippery slope. For decades, "off-site advertising" has been prohibited and this change will likely results in pressure to make similar "minor" changes to permit sponsorship signage in/on other public amenities such as bus shelters, light pole banners and public buildings and/or grounds.
2. The Commission finds that the POCD promotes the "Protect[ion] and enhance[ment] the quality of West Hartford's well-established residential neighborhoods" though the "diligent use of Zoning Regulations and Code Enforcement" and "protecting existing residential areas from encroachment by incompatible uses" and that these controls would be significantly weakened by this ordinance.

3. The ordinance as drafted is too permissive. More specifically, no limitation is placed on the total signage area or number of signs permitted and the Commission notes that this is atypical for signage standards in Town.
4. It is the opinion of the Commission that this ordinance will create an administrative and enforcement burden on Town staff.
5. The Commission finds the proposal incomplete insofar as specific and substantiated reasons for the amendment were not adequately identified.

TOWN PLANNER'S REPORT:

INFORMATION ITEMS:

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ POCD Subcommittee Meeting, Monday, December 17, 2018 @ 6:00PM
- TPZ Regular Meeting, Monday, January 7, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, February 4, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, March 4, 2019 @ 7:00 P.M.

“Any individual with a disability who needs special assistance to participate in the meeting should contact Suzanne Oslander, Department of Social Services, 860.561.7580, seven days prior to the meeting.”

U: shareddocs/TPZ/Minutes//2018/December 3 final minutes